

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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In Re: Child Victims Act Cases Removed From
State Court

MEMORANDUM & ORDER

23-CV-04782, 23-CV-04908,
23-CV-05001, 23-CV-05002,
23-CV-05007, 23-CV-05051,
23-CV-05099, 23-CV-05270

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DIANE GUJARATI, United States District Judge:

Pending before the undersigned are the eight above-referenced cases, brought pursuant to the New York Child Victims Act and recently removed from state court.

Substantially for the reasons set forth in *In Re: Child Victims Act Cases Removed From State Court*, No. 23-CV-04741, 2023 WL 5287067 (E.D.N.Y. Aug. 17, 2023) and *In Re: Child Victims Act Cases Removed From State Court*, No. 23-CV-05029, 2023 WL 5123396 (E.D.N.Y. Aug. 10, 2023), the Court finds that mandatory abstention applies, *see* 28 U.S.C. § 1334(c)(2), and that even if mandatory abstention did not apply, remand would be appropriate based on the doctrine of permissive abstention, *see* 28 U.S.C. § 1334(c)(1), and the doctrine of equitable remand, *see* 28 U.S.C. § 1452(b). *See also In Re: Additional Child Victims Act Cases Removed From State Court*, No. 23-CV-04580, 2023 WL 5287219 (E.D.N.Y. Aug. 17, 2023).

Accordingly, each of the above-referenced cases is remanded to the state court from which it was removed, as specified below.

The following cases are remanded to the Supreme Court of the State of New York,
Nassau County:

- *Vitoria v. Saint Catherine of Sienna Roman Catholic Church and Province of the Most Sacred Heart of Jesus, et al.*, E.D.N.Y. Docket No. 23-CV-04782, Nassau County Index No. 900080/2021;

- *Harman v. Notre Dame Parish, et al.*, E.D.N.Y. Docket No. 23-CV-04908, Nassau County Index No. 900136/2021;
- *ARK654 Doe v. St. Joseph's, et al.*, E.D.N.Y. Docket No. 23-CV-05007, Nassau County Index No. 900314/2021;
- *ARK494 Doe v. Franciscan Brothers of Brooklyn, et al.*, E.D.N.Y. Docket No. 23-CV-05051, Nassau County Index No. 900131/2021; and
- *Leahey v. Parish of St. Joseph, et al.*, E.D.N.Y. Docket No. 23-CV-05270, Nassau County Index No. 900390/2021.

The following cases are remanded to the Supreme Court of the State of New York, Suffolk County:

- *Viola v. Our Lady of Perpetual Help Roman Catholic Church*, E.D.N.Y. Docket No. 23-CV-05001, Suffolk County Index No. 614405/2021; and
- *O'Hehir v. St. Joseph School, et al.*, E.D.N.Y. Docket No. 23-CV-05002, Suffolk County Index No. 614404/2021.

The following case is remanded to the Supreme Court of the State of New York, Queens County:

- *Ketzko v. St. Matthew Roman Catholic Church, et al.*, E.D.N.Y. Docket No. 23-CV-05099, Queens County Index No. 400094/2021.

The Clerk of the Court is directed to send certified copies of this Order to the Clerks of the respective state courts and to close these cases.

SO ORDERED.

/s/ Diane Gujarati
DIANE GUJARATI
United States District Judge

Dated: August 22, 2023
Brooklyn, New York